

PROB 12C  
(REV. 12/04)

# UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

**FILED**

NOV 20 2015

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature] DEPUTY

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Pedro DeHoyos-Martinez Case Number: SA-06-CR-210(01)FB

Name of Sentencing Judicial Officer: Honorable Royal Furgeson, United States District Judge

Date of Original Sentence: November 17, 2006

Original Offense: Illegal Re-entry into the United States, 8 U.S.C. §1326(a)&(b)(2)

Original Sentence: 77 months imprisonment, 3 years supervised release, and \$100 special assessment

Date and Sentence  
of 1st Revocation: May 22, 2013: Supervised Release revoked and sentenced to 6 months imprisonment to run concurrent with state case and 30 months supervised release to follow.

Date and Sentence  
of 2nd Revocation: February 19, 2014: Supervised Release revoked and sentenced to time served imprisonment and 35 months supervised release to follow.

Type of Supervision: Supervised Release Date Supervision Commenced: February 19, 2014

Assistant U.S. Attorney: Kelly Loving Defense Attorney: Alfredo Villarreal

### PREVIOUS COURT ACTION

On January 9, 2013 a petition for warrant was filed for a new arrest for Theft under \$1500 and the offender re-entering the United States.

On November 25, 2013, A Probation 12A was filed to notify the Court of a positive drug test for cocaine.

On January 3, 2014, a petition for warrant was filed for positive cocaine and opiates drug tests.

Pedro DeHoyos-Martinez  
SA-06CR-210(01)FB  
November 16, 2015  
Page 2

### PETITIONING THE COURT

- ☒ To issue a warrant  
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number

Nature of Noncompliance

1. **The defendant shall not commit another federal, state, or local crime during the term of supervision.**

On August 17, 2015, Immigration and Customs Enforcement (ICE) Officers encountered the offender at his residence located at 6230 Valley Queen, San Antonio, Texas. The offender's fingerprints were submitted through FBI and Immigration databases, which confirmed the offender was a criminal alien who had been previously removed from the United States. The defendant was charged with the offense of illegal re-entry. The case has been filed in the Western District of Texas, San Antonio Division, under Case No. SA-15-CR-0639(01).

On the same date, while in custody, ICE Processing Officers discovered a baggie containing approximately 1.1 grams of cocaine in the offender's left sock. Dehoyos-Martinez also had a pipe and cut bottom of a can in his right shoe. The offender was charged with possession of a controlled substance, 1 to 4 grams. The case has been filed with the Bexar County Clerks Office, under Case No. 280165.

2. **If the defendant is excluded, deported, or removed upon release from imprisonment, the term of supervised release shall be non-reporting supervised release. The defendant shall not illegally re-enter the United States. If the defendant illegally re-enters the United States during the term of supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.**

On August 17, 2015, the defendant was found in the United States illegally in violation of the standard condition imposed by the Court.

Pedro DeHoyos-Martinez  
SA-06CR-210(01)FB  
November 16, 2015  
Page 3

**U.S. Probation Officer Recommendation:** The defendant has various misdemeanor convictions including Illegal Entry, Driving While Intoxicated, Theft, Issuing a Check Without an Account, Failure to Stop and Render Aid, and Driving While License Invalid. He also has two felony convictions for Fleeing Peace Officer in a Motor Vehicle and Robbery. Additionally, the offender has been deported on two previous occasions, and returned to the U.S. approximately four months after his last deportation. The defendant continues to commit crimes and to illegally return to the United States despite being judicially warned not to return and without proper approval. It is respectfully recommended a warrant be issued and that a hearing be held to show cause why the offender's supervised release should not be revoked.

☒ The term of supervision should be

☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release;  
and payment of any unsatisfied monetary sanction previously imposed)

☐ extended for     years, for a total term of     years.

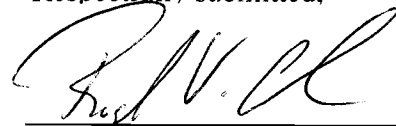
☐ The conditions of supervision should be modified as follows:

Approved:

Respectfully submitted,



Cynthia Mendiola  
Supervising U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 5311



Rogelio V. Gonzales  
U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 5380  
Date: November 16, 2015

cc: Kelly Loving  
Assistant U.S. Attorney

Marc S. Martinez  
Assistant Deputy Chief U.S. Probation Officer

Pedro DeHoyos-Martinez  
SA-06CR-210(01)FB  
November 16, 2015  
Page 4

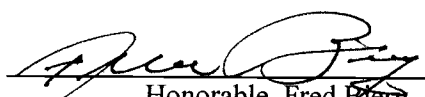
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THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.

☐ Other MTR + New Case

*Should be  
together*

  
Honorable Fred Ely  
Chief U.S. District Judge

November 20, 2015  
Date